

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	CASE NO. 2:06-cr-00094-WKW
)	(WO)
WILLIE DAVIS DEWHART,)	

ORDER

On May 4, 2006, the court ordered the defendant committed for a psychiatric evaluation pursuant to 18 U.S.C. § 4241(b). On August 24, 2006, the report of the evaluation was filed and on September 5, 2006, the court held a hearing to determine the mental competency of the defendant pursuant to 18 U.S.C. § 4241(c). The Magistrate Judge filed a Recommendation (Doc. # 26) in this case on September 5, 2006, to which no timely objections have been filed. After an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation of the Magistrate Judge (Doc. # 26) is ADOPTED;
2. That pursuant to 18 U.S.C. § 4241(d), the defendant WILLIE DAVIS DEWHART is hereby committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a period not to exceed four months for an assessment to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the trial to process;
3. That during this period of treatment, the defendant shall be evaluated to determine whether he was insane at the time of the commission of the offense;

4. That the United States Marshal for this district immediately remove the defendant to the custody of the warden of an appropriate institution as may be designated by the Attorney General where the defendant is to be committed for the purpose of being observed and examined for a period not to exceed four months by one or more qualified psychiatrists at the institution, pursuant to the provisions of 18 U.S.C. § 4241 and the terms of this order. The period shall commence upon the defendant's arrival at the designated facility;

5. That the examining psychiatrist or psychiatrists conducting the mental assessment of the defendant report in writing to this court within four (4) months from the date of the defendant's arrival at the designated facility as to their findings, opinions, and conclusions relative to whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the trial to proceed; and

6. That the defendant shall be incarcerated and remain at the institution designated by the Attorney General until the examination is concluded at which time the defendant shall be returned to this district.

The clerk of this court is hereby ORDERED to furnish the United States Marshal for this district three certified copies of this order.

It is further ORDERED that, in accordance with 18 U.S.C. § 3161(h)(1)(A), the trial in this matter is continued generally.

Done this the 5th day of October, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE